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LETTER DATED 28 DECEMBER 1993 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached report addressed to me on 23 December 1993 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the latest developments in the search for peace in Bosnia and Herzegovina.

(Signed) Boutros BOUTROS-GHALI

Annex

Report of the Co-Chairmen of the Steering Committee
on the activities of the International Conference
on the Former Yugoslavia

INTRODUCTION

1. The previous report of the Co-Chairmen, which the Secretary-General transmitted to the Security Council on 23 September 1993 (S/26486) provided an account of the deliberations on the HMS Invincible in the Adriatic Sea, on 20 September 1993. On that occasion, President Izetbegovic, Mr. Boban and Mr. Karadzic met in the presence of the Co-Chairmen, Presidents Bulatovic, Milosevic and Tudjman, Deputy Foreign Minister Churkin and Ambassador Redman. A constitutional agreement was reached providing for a Union of Republics of Bosnia and Herzegovina. Elaborate provisions for the promotion and protection of human rights were reconfirmed, as were arrangements for implementing and monitoring a cessation of hostilities. Agreements were also worked out providing the Muslim-majority Republic with access to the Adriatic Sea via the Neretva river, giving the Muslim-majority Republic a 99-year lease on an area for the construction of a port at Ploce (in addition to the use of the port of Rijeka) and assuring freedom of transit between the Union of Republics of Bosnia and Herzegovina and the Republic of Croatia.

2. The three sides in Bosnia and Herzegovina informed the Co-Chairmen that they would submit the "Invincible Package" to their respective assemblies for ratification. The Bosnian Croat and the Bosnian Serb sides subsequently informed the Co-Chairmen that their assemblies had ratified the Invincible Package. The Bosnian Presidency reported that their expanded assembly did not.

3. Both the Bosnian Croat and the Bosnian Serb sides then informed the Co-Chairmen that they had made concessions on the HMS Invincible conditional on the acceptance of the Package by all sides. They therefore intended to withdraw their concessions because the Bosnian Presidency side had not ratified the Package. The Co-Chairmen appealed to the Bosnian Croat and the Bosnian Serb sides not to withdraw their concessions but to continue the search for peace.

I. THE CONTINUING SEARCH FOR PEACE

4. In the situation that presented itself following one side's non-ratification of the Invincible Package, the Co-Chairmen decided to pursue a two-track approach: to build upon the Invincible Package; and to explore whether, by tackling certain problems in the former Yugoslavia together, it might be possible to create more options for helping to find a settlement in Bosnia and Herzegovina. One idea that was specifically considered was the possibility of a territorial exchange between Bosnia and Herzegovina and the Republic of Croatia that would enable agreement to be reached on an outlet to the sea for the Bosnian Republic in a deep-water area, which would allow it to build its own port on its own sovereign territory.

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5. The Co-Chairmen have carried out extensive discussions with the three sides, as well as with leaders of neighbouring countries, at Geneva, Belgrade, Sarajevo and Zagreb. Together with the Foreign Ministers of the European Union they met with the parties at Geneva on 29 November. The Co-Chairmen continued their meetings with the parties until 2 December. Thereafter, they maintained contacts with the parties and the Presidents of neighbouring countries in their respective capitals. On 17 December, the Co-Chairmen attended a meeting with the Prime Minister of Bosnia and Herzegovina at Vienna, arranged by the Belgian Foreign Minister and the Commissioner of External Affairs of the European Union. The Co-Chairmen, immediately thereafter, shuttled among the parties prior to meeting them at Geneva on 21 December. The next day, 22 December, the Co-Chairmen joined the Foreign Ministers of the European Union in a meeting with the parties at Brussels. The Co-Chairmen held further discussions with the parties in the evening of 22 December and on 23 December in a determined push for a peace agreement.

II. DELIBERATIONS

6. The discussions that took place had the following aims:

- (a) To build upon the "Invincible Package";
- (b) To provide the Muslim-majority Republic with a minimum of 33.3 per cent of territory;
- (c) To ensure the Muslim-majority Republic access to the sea.

7. On the first point, namely building upon the Invincible Package, the Co-Chairmen have taken the view that changes would only be made if they are agreed to by all three Bosnian sides.

8. On providing the Muslim-majority Republic with a minimum of 33.3 per cent of territory, the Bosnian Croats and the Bosnian Serbs, on 21 December 1993, made a joint proposal of a map that they said provided 33.3 per cent of territory for the Bosnian Republic and 17.5 per cent for the Croat-majority Republic. In the event of any shortfall in reaching these figures on the proposed map, the Bosnian Serbs undertook to make up the difference. The Co-Chairmen transmitted this map to the Bosnian Presidency on 21 December.

9. On the issue of access to the sea, the Bosnian Croat side took the position that this had been settled in the Invincible Package. The Bosnian Presidency, however, submitted that Neum should be allocated to the Muslim-majority Republic on a sovereign basis. The Bosnian Croats were not prepared to accept this, pointing out that Neum was an exclusively Croat area. The Republic of Croatia then came up with a proposal according to which it would accord the Muslim-majority Republic and the Bosnian Serbs each an area of land on the Adriatic Sea in the vicinity of the Prevlaka peninsula. This would be an allocation of sovereign territory and, in the case of the Muslim-majority Republic, it would be accompanied by a sovereign road corridor. The areas indicated for the Muslim-majority Republic and for the Bosnian Serbs would both be deep-water areas, at which deep-water ports could be built. In return, the Republic of

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Croatia would incorporate Neum and the Bosnian Serbs would give it some land that would widen its territory in the Dubrovnik area, thereby enhancing its security.

10. The Bosnian Presidency first indicated interest in the offer of a port in the Prevlaka area but after examining it further informed the Co-Chairmen that it was too far away and would be too expensive. Faced with this situation, the Co-Chairmen stated that the arrangements made on the Invincible in respect of Neum would be maintained. The Bosnian Presidency then came up with a proposal that Neum and a part of Stolac should be held by the Muslim-majority Republic and the Bosnian Croat Republic in condominium, that is to say, joint sovereignty. The Bosnian Croat side said it would study the proposal but only in relation to the Isthmus of Klek, not the Opstina of Neum.

11. On the issue of international guarantees for any peace agreement, the Co-Chairmen have taken the position that this would be a matter to be considered by the Security Council. Nevertheless, the Co-Chairmen contacted interested Governments and international organizations to explain to them the importance attached to the question of international guarantees for the implementation of an agreement.

III. OUTCOME

12. The situation following the discussions held at Geneva on 21 December and at Brussels on 22 and 23 December may be summarized as follows:

(a) There is agreement among all three sides that Bosnia and Herzegovina should be organized as a Union of three republics;

(b) There is agreement that the Muslim-majority Republic should have 33.3 per cent of territory and the Croats should have 17.5 per cent;

(c) At Brussels on 23 December, the Co-Chairmen appealed to all three sides to observe a holiday truce to cover the period 23 December to 15 January. All three leaders accepted this appeal and undertook to give instructions to their military commanders down to the local level to observe the cease-fire faithfully;

(d) The three sides have agreed to return to Geneva on 15 January 1994, to continue the search for peace;

(e) Working Groups have been established to look into the following issues and to help reach agreement on them by 15 January:

(i) The definition of the Mostar city area that would be placed under the temporary administration of the European Union;

(ii) Technical arrangements for providing the Muslim-majority Republic with road and rail access to Brcko and the Sava river, without prejudice to the Muslim-majority Republic's continued support for the arrangements agreed on the HMS Invincible;

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(iii) Access of the Muslim-majority Republic to the sea;

(iv) Continued discussions between Mr. Silajdzic and Mr. Krajisnik on territorial delimitation;

(f) The Co-Chairmen have asked all three sides to consult their respective "Assemblies" beforehand so that any agreement concluded at Geneva would come into force immediately upon signature.
